

In re Cattle and Beef Antitrust Litigation

Case No. 22-md-3031 (JRT/JFD)

Declaration of Shawn M. Raiter -- Motion for Final Approval of Settlement

EXHIBIT A

quinn emanuel trial lawyers | new york

51 Madison Avenue, 22nd Floor, New York, New York 10010-1601 | TEL (212) 849-7000 FAX (212) 849-7100

WRITER'S DIRECT DIAL NO.
212-849-7237

WRITER'S EMAIL ADDRESS
samirashid@quinnemanuel.com

April 20, 2023

VIA UPS OR USPS CERTIFIED MAIL

All Addressees Listed in Attachment A.

Re: Class Action Fairness Act – Notice to Federal and State Officials
In re Cattle and Beef Antitrust Litigation –
The Commercial and Institutional Indirect Purchaser Plaintiff Action,
Case No. 22-md-03031 (D. Minn.) (JRT/JFD)

Dear Sir or Madam:

We represent JBS USA Food Company, Swift Beef Company, JBS Packerland, Inc., and JBS S.A. (“JBS”) in the above-referenced matter. On behalf of JBS, this notice is to inform you, pursuant to 28 U.S.C. § 1715, of a proposed settlement of the Commercial and Institutional Indirect Purchaser Plaintiffs’ claims against JBS in the above-referenced matter.

In accordance with 28 U.S.C. § 1715(b), JBS states as follows:

- 1) A court-filed copy of the Commercial and Institutional Indirect Purchaser Plaintiffs’ operative Second Amended Complaint in the above-captioned matter is included in the accompanying CD. This version of the complaint was filed under seal with the Court and should be treated as confidential. In addition, prior complaints and all other pleadings and records filed in the above-captioned matter are available through the PACER service for the U.S. District Court for the District of Minnesota.¹
- 2) On April 14, 2023, the Commercial and Institutional Indirect Purchaser Plaintiffs filed a Motion for Preliminary Approval of Class Action Settlement Between the Commercial and Institutional Indirect Purchaser Plaintiffs and JBS and for Leave to Disseminate Notice (“Motion”). The Motion, and the accompanying brief, declarations, proposed order, hearing notice, and the parties’ Settlement Agreement are included in the accompanying CD. In addition, the parties entered into a confidential letter agreement specifying JBS’s right to terminate or reduce the settlement amount if potential members of the Settlement Class representing more than a specified portion of relevant transactions

¹ See <https://pacer.login.uscourts.gov/csologin/login.jsf?pscCourtId=MNDC&appurl=https://ecf.mnd.uscourts.gov/cgi-bin/showpage.pl?16>.

opt out of the Settlement Class. A copy of the confidential letter agreement is also included in the accompanying CD. JBS emphasizes that the confidential letter agreement was not filed with the Motion and should be treated as confidential.

- 3) The hearing on the Motion has not yet been scheduled. A final approval hearing also has not yet been scheduled.
- 4) No final judgment or notice of dismissal by the Commercial and Institutional Indirect Purchaser Plaintiffs has yet been entered in the above-referenced matter.
- 5) The Class Action Fairness Act also requires a defendant, “if feasible” to provide “the names of class members who reside in each State and the estimated proportionate share of the claims of such members to the entire settlement,” or if that is “not feasible,” to provide a “reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement.” See 28 U.S.C. §1715(b)(7)(A)-(B). For a number of reasons, it is not feasible at this time to provide such information.

First, the potential members of the Settlement Class include “[a]ll persons and entities who during the Settlement Class Period [January 1, 2015 until the date of the order granting Preliminary Approval of the Settlement Class] indirectly purchased for business use in commercial food preparation in the United States, from any of the Defendants or their respective subsidiaries and affiliates, boxed or case-ready Beef processed from Fed Cattle, excluding ground beef made exclusively from culled cows.” Given that the potential members of the Settlement Class are indirect purchasers that purchased from entities other than JBS, JBS lacks the information requested.

Second, and relatedly, data concerning the Settlement Class is still being compiled, and a settlement administrator will be tasked at a later date to determine each Settlement Class member’s eligibility and amount of cash award.

- 6) No written judicial opinions relating to the proposed settlement have been issued as of this date.

If you have questions about this notice, the settlement, or the enclosed materials, or if you do not receive any of the above-listed materials, please contact us. Thank you for your attention to this matter.

[Remainder of page intentionally left blank.]

Respectfully submitted,



Sami H. Rashid
Kevin A. Janus
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
(212) 849-7000
samirashid@quinnemanuel.com
kevinjanus@quinnemanuel.com

*Counsel for JBS USA Food Company, Swift Beef
Company, JBS Packerland, Inc., and JBS S.A.*

Enclosure and Attachment

Attachment A
CAFA Notice Service List
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<u>Jurisdiction</u>	<u>Address</u>
United States	U.S. Attorney General Merrick Garland Office of the Attorney General U.S. Department of Justice 950 Pennsylvania Avenue NW Washington, D.C. 20530-0001
Alabama	Attorney General Steve Marshall Office of the Attorney General 501 Washington Avenue P.O. Box 300152 Montgomery, AL 36130-0152
Alaska	Attorney General Treg R. Taylor Office of the Attorney General Alaska Department of Justice 1031 West 4th Avenue, Suite 200 Anchorage, AK 99501-1994
Arizona	Attorney General Kris Mayes Office of the Attorney General 2005 N. Central Avenue Phoenix, AZ 85004-2926
Arkansas	Attorney General Tim Griffin Office of the Attorney General 323 Center Street, Suite 200 Little Rock, AR 72201-2610
California	Attorney General Rob Bonta Office of the Attorney General California Department of Justice 1300 "I" Street, Ste. 1740 Sacramento, CA 95814-2919
Colorado	Attorney General Phil Weiser Office of the Attorney General Ralph L. Carr Colorado Judicial Center 1300 Broadway, 10th Floor Denver, CO 80203
Connecticut	Attorney General William Tong Office of the Attorney General 165 Capitol Avenue Hartford, CT 06106

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<u>Jurisdiction</u>	<u>Address</u>
Delaware	Attorney General Kathy Jennings Office of the Attorney General Carvel State Office Building 820 N. French Street Wilmington, DE 19801
District of Columbia	Attorney General Brian Schwalb Office of the Attorney General 400 6 th Street, NW Washington, D.C. 20001
Florida	Attorney General Ashley Moody Office of the Attorney General The Capitol PL-01 Tallahassee, FL 32399-1050
Georgia	Attorney General Chris Carr Office of the Attorney General 40 Capitol Square, SW Atlanta, GA 30334-1300
Hawaii	Attorney General Anne E. Lopez Department of the Attorney General 425 Queen Street Honolulu, HI 96813
Idaho	Attorney General Raúl R. Labrador Office of the Attorney General 700 W. Jefferson Street, Suite 210 P.O. Box 83720 Boise, ID 83720-0010
Illinois	Attorney General Kwame Raoul Office of the Attorney General 100 West Randolph Street Chicago, IL 60601
Indiana	Attorney General Todd Rokita Office of the Attorney General Indiana Government Center South 302 W. Washington Street, 5th Floor Indianapolis, IN 46204

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<u>Jurisdiction</u>	<u>Address</u>
Iowa	Attorney General Brenna Bird Office of the Attorney General Hoover State Office Building 1305 E. Walnut Street Des Moines, IA 50319
Kansas	Attorney General Kris Kobach Office of the Attorney General 120 SW 10th Avenue, 2nd Floor Topeka, KS 66612-1597
Kentucky	Attorney General Daniel Cameron Office of the Attorney General 700 Capitol Avenue, Suite 118 Frankfort, KY 40601-3449
Louisiana	Attorney General Jeff Landry Office of the Attorney General P.O. Box 94095 Baton Rouge, LA 70804-4095
Maine	Attorney General Aaron Frey Office of the Attorney General 6 State House Station Augusta, ME 04333
Maryland	Attorney General Anthony G. Brown Office of the Attorney General 200 St. Paul Place Baltimore, MD 21202-2202
Massachusetts	Attorney General Andrea Joy Campbell Office of the Attorney General 1 Ashburton Place, 20th Floor Boston, MA 02108-1698
Michigan	Attorney General Dana Nessel Office of the Attorney General G. Mennen Williams Building 525 W. Ottawa Street P.O. Box 30212 Lansing, MI 48909-0212

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<u>Jurisdiction</u>	<u>Address</u>
Minnesota	Attorney General Keith Ellison Office of the Attorney General 445 Minnesota Street, Suite 1400 Saint Paul, MN 55101
Mississippi	Attorney General Lynn Fitch Office of the Attorney General Department of Justice P.O. Box 220 Jackson, MS 39205
Missouri	Attorney General Andrew Bailey Office of the Attorney General Supreme Court Building 207 West High Street P.O. Box 899 Jefferson City, MO 65102
Montana	Attorney General Austin Knudsen Office of the Attorney General 215 N. Sanders Street, Third Floor P.O. Box 201401 Helena, MT 59620-1401
Nebraska	Attorney General Mike Hilgers Nebraska Attorney General 2115 State Capitol PO Box 98920 Lincoln, NE 68509
Nevada	Attorney General Aaron D. Ford Office of the Attorney General Supreme Court Building 100 N. Carson Street Carson City, NV 89701
New Hampshire	Attorney General John Formella New Hampshire Department of Justice 33 Capitol Street Concord, NH 03301

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<u>Jurisdiction</u>	<u>Address</u>
New Jersey	Attorney General Matthew J. Platkin Office of The Attorney General RJ Hughes Justice Complex 25 Market Street, Box 080 Trenton, NJ 08625-0080
New Mexico	Attorney General Raúl Torrez Office of the Attorney General 408 Galisteo Street Villagra Building Santa Fe, NM 87501
New York	Attorney General Letitia A. James Office of the Attorney General Department of Law The Capitol, 2nd Floor Albany, NY 12224-0341
North Carolina	Attorney General Josh Stein Office of the Attorney General 9001 Mail Service Center Raleigh, NC 27699-9001
North Dakota	Attorney General Drew Wrigley Office of the Attorney General 600 E. Boulevard Avenue, Dept. 125 Bismarck, ND 58505-0040
Ohio	Attorney General Dave Yost Ohio Attorney General 30 E. Broad Street, 14th Floor Columbus, OH 43215
Oklahoma	Attorney General Gentner Drummond Office of the Oklahoma Attorney General 313 NE 21st Street Oklahoma City, OK 73105
Oregon	Attorney General Ellen F. Rosenblum Office of the Attorney General Oregon Department of Justice 1162 Court Street NE Salem, OR 97301-4096

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<u>Jurisdiction</u>	<u>Address</u>
Pennsylvania	Attorney General Michelle A. Henry Pennsylvania Office of the Attorney General Strawberry Square, 16th Floor Harrisburg, PA 17120
Rhode Island	Attorney General Peter F. Neronha Office of the Attorney General 150 South Main Street Providence, RI 02903
South Carolina	The Honorable Alan Wilson Office of the Attorney General P.O. Box 11549 Columbia, SC 29211-1549
South Dakota	Attorney General Marty Jackley Office of the Attorney General 1302 East Highway 14, Suite 1 Pierre, SD 57501-8501
Tennessee	Attorney General Jonathan Skrmetti Office of the Attorney General and Reporter P.O. Box 20207 Nashville, TN 37202-0207
Texas	Attorney General Ken Paxton Office of the Attorney General P.O. Box 12548 Austin, TX 78711-2548
Utah	Attorney General Sean D. Reyes Office of the Attorney General Utah State Capitol Complex 350 North State Street, Suite 230 Salt Lake City, UT 84114-2320
Vermont	Attorney General Charity R. Clark Vermont Attorney General's Office 109 State Street Montpelier, VT 05609-1001

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Virginia	Attorney General Jason Miyares Office of the Attorney General 202 North Ninth Street Richmond, VA 23219
Washington	Attorney General Bob Ferguson Office of the Attorney General 1125 Washington Street SE P.O. Box 40100 Olympia, WA 98504-0100
West Virginia	Attorney General Patrick Morrissey Office of the Attorney General State Capitol Complex, Building 1, Room E-26 1900 Kanawha Blvd. E Charleston, WV 25305
Wisconsin	Attorney General Josh Kaul Office of the Attorney General Wisconsin Department of Justice P.O. Box 7857 Madison, WI 53707-7857
Wyoming	Attorney General Bridget Hill Office of the Attorney General 109 State Capitol 200 W. 24 th Street Cheyenne, WY 82002
American Samoa	Attorney General Fainu'ulelei L.P. Falefatu Ala'ilima-Utu Office of the Attorney General Executive Office Building, 3 rd Floor, P.O. Box 7 Pago Pago, American Samoa 96799
Guam	Attorney General Douglas B. Moylan Office of the Attorney General ITC Building 590 S. Marine Corps Drive, Suite 901 Tamuning, Guam 96913
National Government of the Federated States of Micronesia	The Honorable Joses R. Gallen Department of Justice PS105, Palikir Pohnpei State, FM 96941

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Puerto Rico	Secretario de Justicia Domingo Emanuelli Hernández Oficina de la Secretaria Box 9020192 San Juan, PR 00902-0192
Republic of the Marshall Islands	Attorney General Richard Hickson Office of the Attorney General P.O. Box 890 Majuro, MH 96960
Republic of Palau	Attorney General Ernestine Rengiil Office of the Attorney General P.O. Box 1365 Koror, Palau 96940
Saipan, Commonwealth of the Northern Mariana Islands	Attorney General Edward E. Manibusan Office of the Attorney General Caller Box 10007 Saipan, MP 96950-8907
U.S. Virgin Islands	Acting Attorney General Carol Thomas-Jacobs Office of the Attorney General 34-38 Kronprindsens Gade GERS Building, 2 nd Floor St. Thomas, Virgin Islands 00802